



California Regional Water Quality Control Board

San Francisco Bay Region



Alan C. Lloyd, Ph.D.
Agency Secretary

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
<http://www.swrcb.ca.gov/rwqcb2>

Arnold Schwarzenegger
Governor

Date: JUN 17 2005
File No. 01S0259 (CCM)

CERTIFIED MAIL

70042890000400474917

Hexion Specialty Chemicals, Inc.
(formerly Borden Chemical, Inc.)
Natalie Woodard (woodardnl@hexionchem.com)
41100 Boyce Road
Fremont, CA 94538

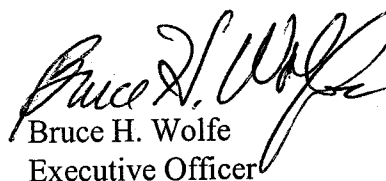
SUBJECT: TRANSMITTAL OF ORDER NO R2-2005-0024 AMENDING ORDER NO. 91-134 FOR HEXION SPECIALTY CHEMICALS, INC. (FORMERLY KNOWN AS BORDEN PACKAGING AND INDUSTRIAL PRODUCTS), 41100 BOYCE ROAD, FREMONT, ALAMEDA COUNTY

Please find enclosed Order No. R2-2005-0024 for the subject site, amending Provision C of Order No. 91-134, adding tasks C.1.j, C.1.k, and C.1.l, requiring Hexion Specialty Chemicals, Inc. formerly Borden Chemical, Inc., to submit the following:

1. Amended data gap workplan
2. Data gap technical report
3. Unified revised Draft Remedial Action Plan Including Draft Cleanup Standards report (Revised Final RAP) based on current site conditions.

If you have any questions, please contact Cherie McCaulou of my staff at 510-622-2342 or e-mail at cmccaulou@waterboards.ca.gov.

Sincerely,


Bruce H. Wolfe
Executive Officer

Attachment: Amendment of Site Cleanup Requirements
Cc w/attachment:

Alameda County Water District
Groundwater Resource Division
43885 South Grimmer Boulevard
Fremont, CA 94537
Attn: Steven Inn (Steven.inn@acwd.com)

SLR Consulting
P.O. Box 784
Auburn, CA 95603
Attn: Sandra Ross
(sandralross@sbcglobal.net)

Fremont Fire Department
Hazardous Materials Division
3300 Capitol Avenue, Building B
Fremont, CA 94538-1514
Attn: Jay Swardenski
jswardenski@ci.fremont.ca.us

Borden Chemical, Inc.
470 South 2nd Street
Springfield, OR 97477
Attn: David Gibby
(gibbydr@bordenchem.com)

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. R2-2005-0024

AMENDMENT OF SITE CLEANUP REQUIREMENTS (ORDER NO. 91-134)

HEXION SPECIALTY CHEMICALS, INC. (FORMERLY BORDEN CHEMICAL, INC.)

for the property located at

41100 BOYCE ROAD
FREMONT, ALAMEDA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter the Water Board) finds that:

1. Water Board Orders: The Water Board adopted site cleanup requirements for this site on September 18, 1991 (Order No. 91-134).
2. Reason for Amendment: Borden Chemical, Inc., recently renamed Hexion Specialty Chemicals, Inc., (Hexion) submitted technical reports that met the requirements of Tasks a through i of Order 91-134, except the Newark Aquifer Characterization (Task C.1.d) has not yet been met. Also, site conditions have changed, prompting Hexion to propose and implement additional remedial investigations to further define the vertical and lateral extent of soil and groundwater pollution, to assess tidal influences, to evaluate the competency of the confining layers, and to refine the conceptual site model.
3. This amendment adds tasks C.1.j, C.1.k, and C.1.l. Task C.1.j requires Hexion to submit a Data Gap Investigation workplan amendment for further soil and groundwater investigations to define the extent of pollution underlying the site, and to assess its potential adverse impacts to human health and the environment. Task C.1.k requires Borden to submit a technical report documenting the results of the data gap investigations. Task C.1.l requires Hexion to submit a revised Draft Remedial Action Plan Including Draft Cleanup Standards report. Completion of Task C.1.l will lead to the development of a final site cleanup order for the site, and rescission of Order 91-134.
4. CEQA: This action is an amendment of an order to enforce the laws and regulations administered by the Water Board. As such, this action is categorically exempt from the provision of the California Environmental Quality Act (CEQA) pursuant to Section 15321 of the Resources Agency Guidelines.

5. Notification: The Water Board has notified the discharger and all interested agencies and persons of its intent under California Water Code Section 13304 to amend site cleanup requirements for the discharge, and has provided them with an opportunity to submit their written comments.

IT IS HEREBY ORDERED, pursuant to Section 13304 of the California Water Code, that Order No. 91-134 shall be amended as follows:

Add the following tasks:

C.1.j. DATA GAP INVESTIGATION WORKPLAN AMENDMENT

COMPLIANCE DATE: July 31, 2005

Submit a workplan acceptable to the Executive Officer to fill the remaining data gaps resulting from changes in site conditions, and the need to characterize the Newark Aquifer. Implementation of the proposed scope of work should lead to the completion of a revised conceptual site model and selection of final remedial actions for the site. The work plan shall include, but not be limited to the following:

- a. Identify remaining suspected source(s), and the presence of DNAPL
- b. Define the vertical and lateral extent of soil and groundwater pollution, and fate and transport of site chemicals
- c. Install Newark Aquifer well(s), if appropriate, based on the results of the data gap investigations. Monitor for the presence of site chemicals and define the extent if necessary.
- d. Assess tidal fluctuations and determine groundwater flow/hydraulic gradient for shallow zone, intermediate zone and Newark Aquifer
- e. Collect and analyze soil gas samples to evaluate indoor air vapor intrusion
- f. Assess the competency of the confining layers and potential for lateral and vertical plume(s) migration due to pumping operations of the Alameda County Water District
- g. Specify investigation methods and a proposed time schedule

C.1.k. COMPLETION OF DATA GAP INVESTIGATIONS

COMPLIANCE DATE: December 31, 2005 or 120 days after approval of the workplan

Submit a technical report acceptable to the Executive Officer documenting completion of necessary tasks identified in the task C.1.j. workplan, and the Data Gap Investigation workplan dated December 8, 2004. The technical report should identify source(s) of pollution and define the vertical and lateral extent of pollution down to concentrations at or below typical cleanup standards for soil and groundwater in the Shallow Zone, Intermediate Zone, and Newark Aquifer.

C.1.1. REVISED DRAFT REMEDIAL ACTION PLAN INCLUDING DRAFT CLEANUP STANDARDS

COMPLIANCE DATE: March 31, 2006

Submit a technical report acceptable to the Executive Officer containing:

- a. Site use history
- b. Source identification and source removal actions
- c. Results of the remedial investigation, including regional and site-specific hydrogeology
- d. Evaluation of the installed interim remedial actions
- e. Feasibility study evaluating alternative final remedial actions
- f. Risk assessment for current and post-cleanup exposures
- g. Recommended final remedial actions and cleanup standards
- h. Revised Self Monitoring Program
- i. Implementation tasks and time schedule
- j. Risk Management Plan
- k. Public Participation Plan or Community Outreach Plan

Items a through g should incorporate the results of all recent investigations. Item e should include projections of cost, effectiveness, benefits, and impact on public health, welfare, and the environment of each alternative action.

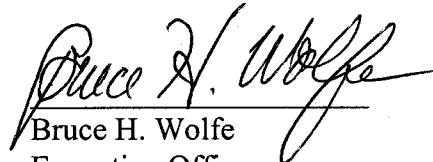
Item g should include soil cleanup standards that address leaching of contaminants from soil to groundwater, and an updated evaluation of the vapor intrusion pathway using more recent models and methods. The Water Board document *Screening for Environmental Concerns at Sites with Contaminated Soil and Groundwater*, February 2005, may be consulted for these areas.

Items c through e should be consistent with the guidance provided by Subpart F of the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR Part 300), CERCLA guidance documents with respect to remedial investigations and feasibility studies, Health and Safety Code Section 25356.1(c), and State Board Resolution No. 92-49 as amended ("Policies and Procedures for

Investigation and Cleanup and Abatement of Discharges Under Water Code
Section 13304").

JUN 17 2005

Date


Bruce H. Wolfe
Executive Officer

FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ORDER MAY SUBJECT
YOU TO ENFORCEMENT ACTION, INCLUDING BUT NOT LIMITED TO: IMPOSITION
OF ADMINISTRATIVE CIVIL LIBERTY UNDER WATER CODE SECTION 13268 OR
13350, OR REFERRAL TO THE ATTORNEY GENERAL FOR INJUNCTIVE RELIEF OR
CIVIL OR CRIMINAL LIABILITY